

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Daniel J. Capon et al.
Serial No. : 09/126,559 Examiner: B. Brumback
Filed : June 30, 1998 Group Art Unit: 1642
For : COMPOSITIONS AND METHODS FOR DETERMINING
ANTI-VIRAL DRUG SUSCEPTIBILITY AND
RESISTANCE AND ANTI-VIRAL DRUG SCREENING

1185 Avenue of the Americas
New York, New York 10036
July 29, 2002

Assistant Commissioner for Patents
Washington, D.C. 20231

STATEMENT UNDER M.P.E.P. 706.02(1)(2)(II)

Pursuant to M.P.E.P. 706.02(1)(2)(II), applicants' undersigned attorney, Alan J. Morrison, Esq., hereby states that U.S. Serial No. 09/126,559 and U.S. Patent No. 6,242,187 were, at the time the subject invention was made, owned by or subject to an obligation of assignment to ViroLogic, Inc., the assignee of record.

Respectfully submitted,



John P. White
Registration No. 28,678
Alan J. Morrison
Registration No. 37,399
Attorneys for Applicants
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400



Docket No. 50130-E/JPW/AJM/DRM

1642

In re application of Daniel J. Capon, Jeanette M. Whitcomb and Neil T. Parkin

Serial No.: 09/126,559

Examiner: B. Brumback

Filed : July 30, 1998

Group Art Unit: 1642

For : COMPOSITIONS AND METHODS FOR DETERMINING ANTI-VIRAL DRUG SUSCEPTIBILITY AND RESISTANCE AND ANTI-VIRAL DRUG SCREENING

HONORABLE ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

July 29, 2002

S I R:

Transmitted herewith is an amendment to the above identified application.

X Small entity status of this application under 37 C.F.R. \$1.9 and \$1.27 has been established by a verified statement previously submitted.

 A verified statement to establish small entity status under 37 C.F.R. \$1.9 and \$1.27 is enclosed.

X No additional fee is required.

The filing fee is calculated as follows:

	NUMBER AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		NUMBER OF EXTRA CLAIMS PRESENTED		RATE FEE				
							SMALL ENTITY	OTHER ENTITY		SMALL ENTITY	OTHER ENTITY
Total Claims	4	-	20	=	0	X	\$9	\$18	=	0	0
Independent Claims	1	-	11	=	0	X	\$40.00	\$80.00	=	0	0
Multiple Dependent Claim(s) Presented <u> </u> Yes <u>X</u> No							\$135	\$270	0	0	0
For First Time							TOTAL ADDITIONAL FEE \$ 0				

*If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 20, write "20" in this space.

**If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 3, write "3" in this space.

***If the difference between the "NUMBER AFTER AMENDMENT" and the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than "0", write "0" in the space.

COPY OF PAPERS
ORIGINALLY FILEDRECEIVED
AUG 07 2002
TECH CENTER 1600/200

Applicant: Daniel J. Capon, Jeanette M. Whitcomb and Neil T.
Parkin
Serial No.: 09/126,559
Filed : July 30, 1998

Amendment Transmittal Letter
Page 2

The "HIGHEST NUMBER PREVIOUSLY PAID FOR" (Total or Independent) is the highest of the "NUMBER AFTER AMENDMENT" in any prior amendment of the number of claims as originally filed

____ Please charge Deposit Account No. _____ in the amount of \$ _____. Three copies of this sheet is enclosed.

X A check in the amount of \$460.00 is enclosed, to cover a three-month extension of time.

X The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposition Account No. 03-3125. Three copies of this sheet are enclosed.

X Any filing fees under 37 C.F.R. \$1.16 for the presentation of extra claims.

X Any patent application processing fees under 37 C.F.R. \$1.17.

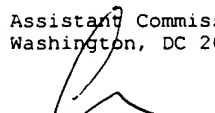
Respectfully submitted,



John P. White
Registration No. 28,678
Alan J. Morrison
Registration No. 37,399
Attorneys for Applicants
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

Assistant Commissioner of Patents
Washington, DC 20201


Alan J. Morrison
Reg. No. 37,399

7/29/02
Date



COPY OF PAPERS
ORIGINALLY FILED

50130-E/JPW/AJM/DRM

18/F
KD
9-10-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Daniel J. Capon et al.
Serial No. : 09/126,559 Examiner: B. Brumback
Filed : June 30, 1998 Group Art Unit: 1642
For : COMPOSITIONS AND METHODS FOR DETERMINING
ANTI-VIRAL DRUG SUSCEPTIBILITY AND
RESISTANCE AND ANTI-VIRAL DRUG SCREENING

1185 Avenue of the Americas
New York, New York 10036
July 29, 2002

Assistant Commissioner for Patents
Washington, D.C. 20231

**AMENDMENT IN RESPONSE TO JANUARY 28, 2002 OFFICE
ACTION AND PETITION FOR A THREE-MONTH EXTENSION OF TIME**

This Amendment is submitted in response to a January 28, 2002 Office Action issued by the United States Patent and Trademark Office in connection with the above-identified application. A response to the January 28, 2002 Office Action was originally due April 28, 2002. Applicants hereby petition for a three-month extension of time. Applicants have previously established small entity status. The required fee for a three-month extension of time for a small entity is \$460.00 and a check for this amount is enclosed. Therefore, a response to the January 28, 2002 Office Action is now due July 28, 2002. However, since July 28, 2002 falls on a Sunday, a response filed on the next business day, i.e. Monday, July 29, 2002, shall be considered timely. Accordingly, this Amendment is being timely filed.

Please amend the subject application as follows:

In the Claims

Please cancel claims 37, 40, 55, 56, and 58 without prejudice to applicants' right to pursue the subject matter of these claims

RECEIVED
AUG 07 2002
TECH CENTER 1600/2900

Do not
cancel claim
55
32

08/05/2002 SDENBOB1 00000010 09126559

01 FC:217

460.00 OP